HW

November 20, 1973

Dear Jim,

I just got your letter of 11/17, concerning the 1/27/64 executive session transcript. Harold has told me about the suit, which I think is a good idea. To answer your specific questions: I did exhaust my administrative remedies, and they did cite the internal [illegible] which exempts [illegible] only on appeal).

Finally I rec'd the Archives on July 31, 1 71, saying for the first part of the transcript of the executive session of January 27, 1964, dealing with item 11 of the agenda, "allegations regarding Oswald as an undercover agent." I cited as the basis of 4/13/73 to Sunday, which says that "the Commission did not desire to restrict access to any of its working papers except those classified by other agencies." The denial, from Rehnquist, was dated Nov. 15, 1971; although no record specifically required by executive order to be kept secret in the interest of the national defense x or foreign policy [illegible] because it relates to intelligence matters, and as a part of investigatory files compiled for law enforcement purposes (5 U.S.C. 552(b)7) because it contains details of a personal nature having no significant connection with the assassination of the President." In my appeal of Nov. 30, I made the usual arguments, about arbitrary and capricious top secret classification. Also, that Rehnquist's assertion that this item ... contains details of a personal nature" has no significant connection with the assassination. Whatever personal details about Oswald or his associates of his were relevant to the discussion are by that very fact significantly connected to the assassination. I wonder whether the Commission focuses on the personal or professional [illegible] of those who made the allegations about Oswald rather than [illegible] the allegations themselves. Perhaps you could indicate to me to whom these 'personal details' relate.' Naturally, I got no more information. I suspect that 'personal details' was simply the least irrelevant of the exemptions which they could cite. Anyhow, the appeal was denied on May 9, 1972; the letter said (in paraphrase) that the transcript is [illegible] letter- or letter-perfect, and that those parts which remain classified [illegible] classification review and "soon completed" shall remain exempt [illegible].

Concerning Oswald: you may recall that Ford discussed the [illegible] Oswald, when they first w heard of the Oswald allegations. Ford [illegible] writing that reporter' notes were 'confiscated' by the Commission. (I will [illegible] Oswald first found this, by looking in the administrative files at my suggestion.) On April 17, 1 73, the Archives told me (in response to a letter of 3/73) that "there is no [illegible] of reporter's notes for January 27, 1964," in a courtesy copy to [illegible]. (I must have originally assumed that they were destroyed after being [illegible] confiscated.) I have since no ed if they are available; I'm sure they won't be but haven't been so told yet.) It might be worth pursuing because the notes might [illegible] improperly classified Top Secret.

I vaguely recall that Lifton tried to get the 1/27 transcript in [illegible]; was turned down even on those parts Ford quoted; and was unable to [illegible] permission to reprint those portions of Ford's book for the copyright owner [illegible]. I'm not sure if this is correct or relevant but you might want to check with Lifton.

I hear that tapes of the conference are being made; if [illegible] that is [illegible] there.

Also hear that the Archives demonstration will involve real cruelties - like a guy from [illegible] in a picture of Mr. Nixon holding [illegible] hair out of the archives? I would advise people like that are provocateurs and keep away from them accordingly.

Did not show you my letter of 11/1 to him, with a p.s. to you. I have since checked out the Executive Order making all records [illegible] than 15 years old a bit less inaccessible. I will be ready to start pursuing for [illegible] records next year - as both Oswald and Ruby.

I would be glad to hear from you for [illegible] or Ford, if anything comes up in the next few days where I might be helpful. (Call collect, it's [illegible] after 5 p.m. your time)

Sincerely,

Paul

cc: [illegible]